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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,005	01/29/2004	Shinji Tanaka	Q79562	2005
23373	7590	02/09/2007	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NUNEZ, JORDANY	
			ART UNIT	PAPER NUMBER
			2179	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/09/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/766,005	TANAKA, SHINJI	
	Examiner	Art Unit	
	Jordany Núñez	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 November 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 8-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 8-10, 12, 13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the phrase "computer readable product having a computer readable medium" (e.g., claims 8-10) lacks proper antecedent basis. If by this recitation applicant means (per page 10, paragraph [0119], PG PUB 20040186598) "a medium for execution of the setup guide program [...] not limited to a medium having a material substance such as the CD-ROM. For example, [...] program may be downloaded via a public communication line by utilizing the modem 1027 and executed" then these claims may be rejected under 35 U.S.C. § 101, lack of statutory basis. A medium not having a material substance such as signal sent through a public communication line is not a useful process, machine, manufacture, nor composition of matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtuska et al. (EP 0 804 018 A2, hereinafter Ohtuska) in view of Takemura et al. (U.S. 6,089,772, hereinafter Takemura).

As to claim 8, 12, 13:

Ohtuska shows computer program product having a computer readable medium with a printer operating guide program, a method, and an apparatus for enabling a computer (abstract, lines 5-14) to perform the steps comprising:

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monitoring a status information (column 1, lines 16-19 and column 7, lines 33-35) when a cartridge for printing is installed on the printer or the cartridge is replaced with another cartridge, the status information sent from the printer (column 25, lines 17-31), where the printer is equipped with a sensor to detect that the cartridge has been attached (column 9, lines 45-52);

determining whether or not a cartridge for printing has been attached to the printer (figure 25, element s420, column 25, lines 18-20); and

after a cartridge is attached, displaying (e.g., enabling) a selection user interface from which selection of a print mode is waited before proceeding to a next step,

whereby, the computer program product, method, and apparatus, enables a step-by-step process, rather than automatically proceeding to a step without requiring the user's operation (column 25, line 52 to column 26, line 3)

Ohtuska fails to specifically show: enabling a button for advancing process to be clicked by a user if it is determined the cartridge has been attached to the printer.

In the same field of invention, Takemura teaches: a printer including a housing defining a media feed portion. Takemura further teaches: a user interface for selecting the speed and quality of print resolution (e.g., print mode) (figure 46), said user interface including an OK button and a Cancel button.

Thus, it would have been obvious to one of ordinary skill in the art, having the teachings of Ohtuska and Takemura at the time that the invention was made, to have combined the user interface for selecting the speed and quality of print resolution including an OK button and a Cancel button of Takemura with the product, method, and apparatus as taught by Ohtuska.

One would have been motivated to make such combination because a way to allow a user submit selection of a print mode through the use of an OK button would have been obtained and desired as expressly taught by Takemura (figure 46).

As to claim 9, Ohtuska expressly shows:

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Wherein if it is determined that there is some error in the attachment of the cartridge, the button for advancing process is not enabled to be clicked and then, an image to advise the user to check the attachment of the cartridge is displayed (column 25, lines 23-30).

As to claim 10, Takemura expressly shows:

Ohtuska and Takemura show a product, method, and apparatus substantially as claimed, as specified above.

Takemura further shows: a sub heater control driving the temperature of a print head upon receipt 10 ms interrupt (e.g., time-out period), said sub heater control being part of timer operations being provided by a cyclic handler (column 23-27), and cyclic handlers being provided for user interface tasks (e.g., image to advise user) (column 27, lines 20-22), a host processor requesting a printer status (column 23, 56-63), said printer status comprising whether an error or alarm has been detected (column 24, lines 3).

Ohtuska and Takemura fail to specifically teach: Wherein a predetermined time-out period is set, and the image to advise the user to check the attachment of the cartridge is displayed after the time-out has occurred.

It would have been obvious to one of ordinary skill in the art, having the teachings of Ohtuska and Takemura at the time that the invention was made, to have included the predetermined time-out period being set, and the image to advise the user to check the attachment of the cartridge being displayed after the time-out has occurred with the product, method, and apparatus as taught by Ohtuska and Takemura.

One would have been motivated to make such combination because a way to verify that a sub heater control would properly drive the temperature of a cartridge's print head would have been obtained and desired.

References to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Response to Arguments

35 U.S.C § 103 Rejection of claims 8-10, 12, 13

Applicant's arguments, see pages 5-8, with respect to the rejection(s) of the claim(s) above mentioned under 35 USC section 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ohtuska in view of Takemura (same prior art of record).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ohtsuka et al. [U.S. 6,145,950]

Moro et al. [U.S. 6,327,051]

Pappalardo et al. [U.S. 6,977,753]

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordany Núñez whose telephone number is (571)272-2753. The examiner can normally be reached on Monday Through Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JN
1/23/2007



WEILUN LO
SUPERVISORY PATENT EXAMINER